

REMARKS

Claims 1-4, 7-8, 10, 19-20, and 22-23 are presented for examination. Claims 5-6, 9, 11-18, 21, and 24 have been withdrawn. No claims have been added, cancelled, or amended. The Applicants respectfully request reconsideration of this application in view of the above amendments and the following remarks.

35 U.S.C. §121 Election/Restrictions

The Patent Office has required a restriction under 35 U.S.C. §121 to one of the following inventions:

- I. Claims 1 (in part), 2-4, 7-8, 10, 19-20, and 22-23 are drawn to a germicidal composition comprising a germicidal compound where Ar is phenyl, classified in 514/699;
- II. Claims 5-6, 9 and 17 (in part), 18, 21, and 23 are drawn to a method of killing bacteria with germicidal composition comprising a germicidal compound where Ar is phenyl, classified in class 422/36, 514/699;
- III. Claims 1 (in part), 2-4, 11, and 13 are drawn to a germicidal composition comprising a germicidal compound where Ar is 4-pyrimidinyl, classified in 514/256;
- IV. Claims 5-6, 12, 17 (in part), and 18 are drawn to a method of killing bacteria with a germicidal composition comprising a germicidal compound where Ar is 4-pyrimidinyl, classified in 422/36, 514/256;
- V. Claims 1 (in part), 2-4, 14, and 16 are drawn to a germicidal composition comprising a germicidal compound where Ar is 2-(2-nitro-3-formyl-phenyl),

classified in 514/699;

- VI. Claims 5-6, 15, 17 (in part), and 18 are drawn to a method of killing bacteria with a germicidal composition comprising a germicidal compound where Ar is 2-(2-nitro-3-formyl-phenyl), classified in 422/36, 514/699.

In response to the restriction, the Applicants hereby elect, without traverse, to prosecute the claims of Group I (claims 1-4, 7-8, 10, 19-20, and 22-23) in this application. Applicants make this election without prejudice to the right to prosecute the non-elected claims in one or more other patent applications.

Upon allowance of a product claim, Applicants hereby request that the Examiner rejoin the applicable method claims, which have been withdrawn herein due to the restriction requirement, in accordance with the provisions of MPEP Section 821.04.

Conclusion

It is believed that all claims now pending patentably define the subject invention over the prior art of record and are in condition for allowance. Applicants respectfully request that the rejections be withdrawn and the claims be allowed at the earliest possible date.

Request For Telephone Interview

The Examiner is invited to call Brent E. Vecchia at (303) 740-1980 if there remains any issue with allowance of the case.

Request For An Extension Of Time

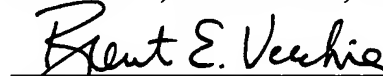
The Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17 for such an extension.

Charge Our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: 11-28-05



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